

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Rejections under 35 USC §102 and § 103

The rejections of:

- 1) claims 1-7, 12 under 35 U.S.C. 102(a) as being anticipated by Ellison "Chemical Process Design Alternatives to Gain Simultaneous NOx Removal in Scrubbers" Presented at POWER-GEN International, December 9-11, 2003;
- 2) claims 8-11 under 35 U.S.C. 103(a) as being unpatentable over Ellison "Chemical Process Design Alternatives to Gain Simultaneous NOx Removal in Scrubbers"; and
- 3) claims 13-14 under 35 U.S.C. 103(a) as being unpatentable over Ellison "Chemical Process Design Alternatives to Gain Simultaneous NOx Removal in Scrubbers" presented at POWER-GEN International, December 9-11, 2003, in view of Broderick (US 6942840B 1); are respectfully traversed.

It is respectfully submitted that the lecture by Ellison "Chemical Process Design Alternatives to Gain Simultaneous NOx Removal in Scrubbers" Presented at POWER-GEN International, December 9-11, 2003, is not available as a reference under 35 USC § 102(a). Enclosed is a photocopy of a page taken from the Official site of the conference evidencing that the lecture took place on December 10<sup>th</sup>, 2003 during a session held between 1:30 and 3:30 PM.

The priority document, IL application No. 159305 was filed on December 10<sup>th</sup>, 2003. Therefore, the requirement that the invention was known or used by others before the invention by the Applicants, cannot be established. Inasmuch as the priority document was filed in English and the Certified copies of this document have been received and made of record by the PTO, the Applicants' claim to priority has been perfected.

Indeed, in that Israel is 10 hours ahead of Las Vegas, Nevada, the application was surely filed prior to the lecture, and indeed may have been filed the previous day (*vide infra*). Most probably the IL priority application was filed a day before the lecture. That is to say, 1:30

PM Las-Vegas time is 23:30 PM in Israel. Since there were presented 5 lectures is the 2 hour session, and Elison's lecture was the second lecture, most probably it did not begin and definitely did not end on December 10<sup>th</sup>, 2003 Israel time.

It is respectfully submitted that the burden is on the PTO to show that public dissemination of the information contained in the lecture by Elison occurred before the lecture and before the filing of the priority document on December 10<sup>th</sup> 2009.

### Conclusion

It is respectfully submitted that the claims as they stand before the PTO are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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BJH:KJT/tal

<http://pgi03.events.pennnet.com/content.cfm?Navid=1174&Language=>

**Session: The Challenge of Multi-Pollutant Control**

Date: Wednesday,  
**December 10, 2003**

Chair: C. David Livengood, Ph.D.,  
Argonne National Laboratory

Time: 1:30 - 3:30 PM

Co-chair: Edward Haddad, Mobotec  
USA

Session Description: Multi-pollutant control is gaining acceptance as an effective emissions strategy because coordinated or integrated control of multiple pollutants provides numerous cost and performance advantages. Multi-pollutant control is included in several regulatory programs now under consideration. This session will present information on a number of technologies and strategies that incorporate multi-pollutant control.

- *Application and Integration of Multi-Pollutant Control Systems for Utility Fossil Generation*  
James Wesnor, P.E., John Gooch and Larry Felix, Southern Research Institute
- *Chemical Process Design Alternatives to Gain Simultaneous NO<sub>x</sub> Removal in Scrubbers*  
**William Ellison, P.E., Ellison Consultants**
- *Commercial Demonstration of ECO Multi-Pollutant Control Technology*  
Phillip Boyle, Powerspan Corp., Antonio Dovale, Wheelabrator Air Pollution Control Inc.
- *Integrating CO<sub>2</sub> Capture and Post Combustion Multi-Pollutant Removal in a Conventional PC Boiler*  
Thomas Ochs, US Department of Energy; Cathy Summers and Danylo Oryshchyn, USDOE/Albany Research Center
- *Multi-Pollutant Control with a Dry-Wet Hybrid ESP*  
Wayne Buckley, Croll-Reynolds Clean Air Technologies; Dr. Ralph Altman, Electric Power Research Institute